

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gihad Dargazanli, et al.

Examiner: BALLS, Robert J.,

Art Unit: 1625

Serial No.: 10/511,886

Certificate of Transmission

Filed: **October 19, 2004**

Title: **N-[Phenyl(piperidin-2-yl)methyl]-
benzamide derivatives, their preparation
and their application in therapy**

I hereby certify that this correspondence is being
transmitted via EFS-Web to the Commissioner for
Patents, Alexandria, VA 22313, on

October 25, 2006
Date of Transmission

Brian Pritchett Brian Pritchett
Signature

TERMINAL DISCLAIMER

Commissioner for Patents

Washington, D.C. 20231

Sir:

The petitioner, Sanofi-Aventis, having offices at 174 Avenue de France, Paris, France 75013, represents that it is the assignee of Application Serial No. 10/511,886, filed on October 19, 2004, by an assignment recorded at the USPTO set out in Reel 015664 Frame 0367 on February 9, 2005 (assignment of assignor's interest to Sanofi-Synthelabo) and at Reel 016345 Frame 0189 on July 22, 2005 (change of name from Sanofi-Synthelabo to Sanofi-Aventis).

The petitioner, Sanofi-Aventis, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of any patent granted based on the copending U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, which is assigned to and commonly owned with 100 percent interest by Sanofi-Aventis, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issued from aforementioned U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/511,886, under 35 USC §§ 155 to 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24,

1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of any patents issued from the U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. **18-1982** in the amount of \$130.00. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Account No. **18-1982**.

Signed at Bridgewater, New Jersey, U.S.A., this 25th day of October, 2006.

October 25, 2006

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Respectfully submitted,

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Attorney/Agent for Applicant

TERMINAL DISCLAIMER TO ACCOMPANY PETITIONDocket Number (Optional)
SSL0064 US PCT

In re Application of: Gihad Dargazanli, et al.

Name: Sanofi-Aventis

Application Number: 10/511,886

Filed: October 19, 2004

For: N-[Phenyl(piperidin-2-yl)methyl]-benzamide derivatives, their preparation and their application in therapy

The owner*, Sanofi-Aventis of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☒ The undersigned is an attorney or agent of record. Registration Number 40,009.

Balaram Gupta
Signature

October 25, 2006
Date

Balaram Gupta, PH. D., J. D.
Typed or Printed Name

(908)-231-3364
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.